

REMARKS

Upon entry of the present amendment, claims 1-10, 14-33, 35, 36, 41-59, 61 and 63 will remain pending in this application. Claims 34, 60 and 62 are hereby canceled, and claims 11-13 and 37-40 were previously canceled. No new matter is added by the present amendment.

Claims 29-32 and 56-59 are rejected under 35 U.S.C. 112, first paragraph, as allegedly not enabled. Claims 29-32 and 56-59 are rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Claims 1-27, 36 and 41-55 are rejected under 35 U.S.C. 101 as allegedly not falling within a statutory category of invention. Claims 33, 34, 56-59, 60 and 62 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter.

Interview Summary

Applicant's representative, Mr. Kenneth Eiferman, and Examiners Nirav Patel and Charles Kim participated in telephonic interviews on February 25, 2010 and March 24, 2010, to discuss the claim amendments and remarks herein. The Examiners agreed to reevaluate the rejections in view of the amendments and remarks herein.

In particular, during the interviews, the Examiners stated that the 35 U.S.C. 112 rejections were based on their interpretation that means recited in claims 29-32 could possibly be hardware components. The Examiners alleged that insufficient physical structure was disclosed in the Specification to enable and describe the recited means as hardware components. However, the Examiners conceded that the Specification "likely" provides a detailed description of the algorithms and processes performed by the recited means.

The Examiners also requested that claims 35, 61 and 53 be amended to recite a "non-transitory" medium.

Rejections Under 35 U.S.C. 112

Claims 29-32 and 56-59 are rejected under 35 U.S.C. 112, first paragraph, as allegedly not enabled. Claims 29-32 and 56-59 are rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Applicants respectfully traverse the 35 U.S.C. 112 rejections.

As set forth above, during the interviews, the Examiners stated that the 35 U.S.C. 112 rejections were based on their interpretation that means recited in claims 29-32 could possibly be hardware components. The Examiners alleged that insufficient physical structure was disclosed in the Specification to enable and describe the recited means as hardware components. However, the Examiners conceded that the Specification “likely” provides a detailed description of the algorithms and processes performed by the recited means.

Even assuming for the sake of argument that the Examiners’ assertion regarding the alleged lack of physical description is true, this assertion would not be sufficient grounds for a rejection under 35 U.S.C. § 112. Specific and detailed descriptions of the algorithms and processes performed by each of the means recited in claims 29-32 is found throughout the Specification (as noted in the Interview Summary above, the Examiners have conceded that this point is likely true). Although the Examiners have interpreted the recited means as possibly including hardware, there is no requirement that the Specification provide specific details of each and every possible embodiment of a claimed invention. The detailed descriptions of the algorithms and processes performed by the recited means are sufficient to satisfy the requirements of 35 U.S.C. § 112 (See MPEP §2181 citing *In re Dossel*, 115 F.3d 942, 946-47, 42 USPQ2d 1881, 1885 (Fed. Cir. 1997) and *Intel Corp. v. VIA Technologies, Inc.*, 319 F.3d 1357, 1366, 65 USPQ2d 1934, 1941 (Fed. Cir. 2003)).

Accordingly, Applicant respectfully requests that the rejection of claims under 35 U.S.C. § 112 be withdrawn.

Rejections Under 35 U.S.C. 101

Claims 1-27, 36 and 41-55 are rejected under 35 U.S.C. 101 as allegedly not falling within a statutory category of invention. Claims 33, 34, 56-59, 60 and 62 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter. Applicants respectfully traverse the 35 U.S.C. 101 rejections.

Independent claims 1, 2 and 26 are hereby amended to recite acts performed by one or more hardware encoders, thereby tying claims 1-27, 36 and 41-55 to a particular machine or apparatus.

Claims 34, 60 and 62 are hereby cancelled, thereby rendering their rejections moot.

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Claims 33 and 56-59 include the recitations of 28-32, respectively. Claims 28-32 are hereby amended to recite a processor, which is a hardware element. The codecs of claims 33 and 56-59 therefore must include hardware.

Accordingly, Applicant respectfully requests that the rejection of claims under 35 U.S.C. § 101 be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application is respectfully requested.

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